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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,888	11/28/2001	Ralph P. Thompson	3192-001	1598

7590 02/02/2004
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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,888

Applicant(s)

THOMPSON, RALPH P.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

The disclosure is objected to because of the following informalities: On page 6, line 17, the patent application number is missing. Appropriate correction is required.

Claim Objections

Claims 1, 10, 12-14, 18-21 are objected to because of the following informalities: Claims 9 and 10 are method claims depending on apparatus claims. Claims 12-14 and 18-21 are apparatus claims depending on method claims. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: Claim 17 depends on itself. Claim 17 should depend on any one of the previous claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (6,274,103 B1; 10, 12 & 14 in Fig. 1; 22, 24, 26, 28, 30, 32, 34, 38 & 40 in Fig. 2; 50 in Fig. 3; col. 4, lines 30-38 and lines 46-54; col. 5, line 24 through col. 6, line 25; col. 6, lines 45-52), in view of Raabe et al (5,489,385; Figs. 1, 3, 11, 12 & 15; col. 2, lines 56-61; col. 3, lines 13-20 and lines 42-47; col. 5, lines 25-32).

Taylor discloses a filter cartridge assembly comprising a tubular housing and a plurality of filter media sections, a first connector sealing the first end of the tubular housing except at a centrally located entrance port in the connector where fluid is capable of entering the assembly, a second connector sealing the second end of the tubular housing except at a centrally located entrance port in the connector where fluid is capable of exiting the assembly, and a fluid circulating device. Taylor further discloses the tubular housing comprising a plastic material such as polypropylene material and the assembly comprising a dialysate fluid. Claims 1-21 differ from the disclosure of Taylor in that the tubular housing has a gradually decreasing cross section. Raabe et al disclose a tubular housing for a filter cartridge of a dialysate fluid wherein the cross section of the tubular housing is in a gradual decreasing cross section from the top to bottom (see 1 in Figs. 1, 3, 11, 12 & 15). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a gradually decreasing tubular housing as taught by Raabe et al for the housing of Taylor since the gradually decreasing cross section of the tubular housing would help increase the flow of fluid through the filter by gravity force.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 1724

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (6,274,103 B1; 10, 12 & 14 in Fig. 1; 22, 24, 26, 28, 30, 32, 34, 38 & 40 in Fig. 2; 50 in Fig. 3; col. 4, lines 30-38 and lines 46-54; col. 5, line 24 through col. 6, line 25; col. 6, lines 45-52).

Taylor teaches a filter cartridge assembly comprising a tubular housing with cylindrical shape of constant inner diameter and a plurality of filter media sections, a first connector sealing the first end of the tubular housing except at a centrally located entrance port in the connector where fluid is capable of entering the assembly, a second connector sealing the second end of the tubular housing except at a centrally located entrance port in the connector where fluid is capable of exiting the assembly, and a fluid circulating device. Taylor further teaches the tubular housing comprising a plastic material such as polypropylene material and the assembly comprising a dialysate fluid.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Taylor (6,605,214 B1) discloses a device for preparing hemodialysis solutions.
- Taylor (6,623,709 B2) discloses an apparatus for preparation of a dialysis solution.
- Yazawa et al (6,217,540 B1) disclose a blood filter cartridge.
- Taylor (6,676,632 B2) discloses an in-line IV drug delivery pack.

Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
January 20, 2004